



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

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September 30, 2003

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RETURN RECEIPT REQUESTED

LETTER OF DEFICIENCY
No. WMD 03-27

Importech
675 White Mountain Hwy, RT 16
Conway, New Hampshire 03818

Attn: Mr. Robert Bryant, Owner

Re: Importech
Conway, New Hampshire
EPA ID # NHD982749913

Dear Mr. Bryant:

On July 14, 2003, the Department of Environmental Services, Waste Management Division (DES) conducted an inspection of Importech. The purpose of the inspection was to determine Importech's compliance status with RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

1. Env-Wm 502.01 – Hazardous Waste Determination

At the time of the inspection, no formal hazardous waste determinations had been performed for the waste fluorescent lamps, one (1) 55-gallon drum of "dirty" antifreeze, and grease trap waste generated at Importech. DES also verified that the waste lamps were routinely disposed of in the facility dumpster.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

a) Waste Lamps: DES requests that Importech test representative samples of the waste lamps for the characteristic of toxicity as defined in Env-Wm 403.06. The analyses should include, at a minimum, RCRA metals, using the Toxicity Characteristic Leaching Procedure (TCLP) Method 1311 found in Test Methods for Evaluating Solid Wastes, SW-846.

Alternatively, Importech may elect to manage the waste lamps as “universal waste”, in accordance with Env-Wm 1100. Enclosed please find the DES Environmental Fact Sheet #WMD-HW-7, “Universal Waste Lamps: Management Requirements for Handlers and Transporters”, and a DES “Fluorescent Lamp and Ballast Recycling Facility” list to aid you with the determination.

Importech will need to provide to DES the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and/or chemical analyses; or information indicating that the lamps are being handled as a universal waste in accordance with Env-Wm 1100.

b) Antifreeze: DES requests that Importech test a representative sample of the “dirty antifreeze. The analysis should include, at a minimum, the Toxicity Characteristic Leaching Procedure (TCLP) for RCRA metals and organics using the method described in Env-Wm 403.06.

Alternatively, if the antifreeze has not been mixed with any hazardous waste constituents, Importech may elect to manage the antifreeze as “universal waste”, in accordance with Env-Wm 1100. Enclosed please find the DES Environmental Fact Sheet #WMD-HW-4, “Waste Antifreeze: Management Requirements for Handlers and Transporters”, to aid you with the determination. Please be advised that if the waste antifreeze is determined to be a universal waste, then certain standards would need to be met when handling the waste, including but not limited to, the universal waste containers must be closed, except when universal waste is being added to or removed from the container and the container(s) holding waste antifreeze be clearly labeled or marked with any of the following: “Universal Waste – Antifreeze”, “Waste Antifreeze”, or “Used Antifreeze”.

Importech will need to provide to DES the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and/or chemical analyses; or information indicating that the antifreeze being handled as a universal waste in accordance with Env-Wm 1100. DES also requests that Importech submit shipping documentation for the “dirty antifreeze” for the past three (3) years.

c) Grease Trap Waste: DES requests that Importech test a representative sample of the material from the grease trap. DES believes the analysis should include, at a minimum, the Toxicity Characteristic Leaching Procedure (TCLP) for RCRA metals and organics using the method described in Env-Wm 403.06. Importech personnel stated that the material from the grease trap had last been pumped out by Safety Kleen five (5) years ago. DES requests that Importech submit the manifest or documentation used for the shipping of this material. In lieu of sampling and testing, the waste determination may also be accomplished by Importech, using knowledge of the hazardous constituents or characteristics of the waste, based on the materials or processes used to generate the waste.

Importech will need to provide the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and/or chemical analyses, to DES.

2. Env-Wm 510.02(d)(2) – Manifest Requirements

At the time of the Inspection, Importech had not forwarded to DES copies of two (2) hazardous waste manifests with signatures including:

Manifest No. MAM617005, dated November 21, 2000; and

Manifest No. MAM902943, dated January 17, 2001

Env-Wm 510.02(d)(2) requires that the generator forward one (1) copy of the manifest with signatures to DES within five (5) days of shipment.

DES requests that Importech ensure that manifests used for transporting hazardous waste are properly distributed.

A copy of Manifest No. MAM617005 with signatures was received at the time of the inspection.

3. Env-Wm 512.01(a)(1) – Recordkeeping - Manifest Copies

At the time of the Inspection, Importech did not have on file copies of five (5) hazardous waste manifests certified by the designated facility, including:

(a) Manifest No. MAM617005, dated November 21, 2000;

Manifest No. MAM902943, dated January 17, 2001;

Manifest No. MAM959673, dated May 10, 2001;

Manifest No. MAM966401, dated July 02, 2001; and

(e) Manifest No. MAQ294180, dated November 5, 2002.

Env-Wm 512.01(a)(1) requires that the generator keep all manifest copies for three (3) years from the date of signature by the generator.

DES requests that Importech obtain copies of the five (5) hazardous waste manifests listed above, and properly retain these copies and copies of future shipments of hazardous waste.

4. Env-Wm 807.06(b)(4) - Standards for Generators of Used Oil Being Recycled

At the time of the inspection, Importech was storing one (1) 55-gallon container of used oil destined for recycling, which was not labeled with the words "Used Oil for Recycle."

Env-Wm 807.06(b)(4) requires that generators of used oil destined for recycling label their containers and tanks with the words "Used Oil for Recycle" at all times during accumulation and storage.

DES requested that Importech label all containers of used oil destined for recycle with the words "Used Oil for Recycle" at all times during accumulation and storage.

At the time of inspection Mr. Robert Bryant labeled the container of used oil with the words "Used Oil for Recycle". No further action is required.

5. Env-Wm 807.08 (a)(1) – Identification of Marketers of Used Oil Being Recycled

At the time of the inspection, Importech was receiving used oil from numerous sources, including commercial entities of different ownership. In such instances, one of the parties in the transaction must assume the role of a used oil marketer, and fulfill the requirements of the used oil marketing standards found in Env-Wm 807.09. These requirements include batch analysis of marketed used oil (to ensure that it meets the specification standards found in Env-Wm 807.02 and 807.03), and maintaining detailed records of the individual transfers. In this manner, the party receiving the used oil is offered some protection against unknowingly accepting used oil which is contaminated, and therefore cannot be recycled. Whereas Importech is receiving the used oil from many parties, and must additionally fulfill the analytical requirements for used oil burners, it is most practical for Importech to assume the role of a marketer in these transactions.

Env-Wm 807.08 (a)(1) defines a used oil marketer as:

- a. Generators who market their used oil directly to a burner; or
- b. Persons who receive used oil from generators and *produce*, process or blend *used oil fuel from the used oil received*, including person sending blended or processed used oil to brokers or intermediaries.

DES requests that Importech either:

- a. Assume the role of a used oil marketer and comply with the marketer standards found in Env-Wm 807.09 including notifying as a marketer; or
- b. Accept used oil only from a notified marketer who is operating in compliance with Env-Wm 807.09, or household Do-It-Yourselfers.

Please be advised that DES is in the process of re-writing the Used Oil Rules to adopt the federal regulations found in 40 CFR §279. As part of this process, DES is reviewing the marketer standards and considering ways to streamline the requirements for transfers of used oil. Importech is advised to check periodically with DES to determine if the revised Used Oil Rules have been adopted and the marketing standards changed.

At the time of the inspection, Importech stated that they burn used oil in an industrial furnace. Importech has notified DES of their used oil burning activities using a New Hampshire Notification form. Env-Wm 807.10(b)(3) also requires owners and operators who intend to burn used oil fuel to notify the Air Resources Division to secure any required permits prior to burning such fuels. Enclosed please find an excerpt from the DES's Air Resources Division "Frequently Asked Questions" fact sheet which contains information for complying with the requirements of Env-Wm 1400 Regulated Toxic Air Pollutants.

The July 14, 2003 inspection revealed that Importech generates contaminated wipers from cleaning automotive parts. According to Mr. Bryant, the wipers are collected for laundering by an outside contractor. Inspectors observed Importech's storage of contaminated wipers in several collection containers located throughout the facility. At the time of the inspection, the collection containers were not closed and were not marked with the words "Contaminated Wipers for Laundering." Inspectors advised Mr. Bryant that contaminated wipers, generated at the facility, are subject to the DES "Contaminated Cloth Wipers for Laundering" Fact Sheet (WMD-HW-6) which was provided during the inspection.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Importech can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Importech, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may re-inspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Kenneth W. Marschner, Administrator
DES/WMD
P.O. Box 95
Concord, New Hampshire 03302-0095

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.


The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM toll-free at (866) HAZ-WAST (in-state only) or at (603) 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Linda Birmingham or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Thank you for your cooperation.

Sincerely,


COPY
Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

cc DB/RCRA/LOD/Archives
Philip J. O'Brien, Ph.D., P.G., Director, WMD
Gretchen Rule, Esq., Administrator, DES Legal Unit

E-mail: JJD/SD/SD/PM

Enclosure: Inspection Checklist
DES Environmental Fact Sheet #WMD-HW-7 "Universal Waste Lamps: Management Requirements"
DES "Fluorescent Lamp and Ballast Recycling Facility" list
DES Air Resources Division "Frequently Asked Questions"